

REMARKS

Applicants gratefully acknowledge the Examiner's acceptance of the amendments filed on January 31, 2003.

Claims 243-249 and 254-255 are pending in the present application. Claim 243 has been amended. Support for the amendments can be found throughout the specification and claims as originally filed. For example, support may be found at pages 17-21, beginning on line 19 of page 17. No new matter has been added by virtue of the amendments.

Claim Rejections Under 35 U.S.C. §112, First Paragraph

Claims 254-255 were rejected under 35 U.S.C. 112, first paragraph, as "containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention." Specifically, the Examiner asserts that claims 254-255 are "drawn to producing any polypeptides in addition to the polypeptide encoded by SEQ ID NO:8" and that the specification "only teaches a method of producing a phosphatase of [sic] encoded by SEQ ID NO:8."

In the interest of expediting prosecution, and without acquiescing to the Examiner's rejection, Applicants have amended claim 243 to specifically recite that "the nucleic acid molecule encodes a polypeptide with sulfatase activity," thereby clarifying that the polypeptide produced from claims 254-255 cannot be "any polypeptide." The polypeptide produced must have sulfatase activity. Applicants therefore respectfully request reconsideration and withdrawal of the foregoing 35 U.S.C. 112, first paragraph rejection over claims 254-255.

Claim Rejections Under 35 U.S.C. §112, First Paragraph

Claims 254-255 were rejected under 35 U.S.C. 112, first paragraph, because "the specification, while being enabling for a method of producing a sulfatase encoded by SEQ ID NO:8, does not reasonably provide enablement for a method of producing any polypeptides." Specifically, the Examiner asserts that claims 254-255 are drawn "to the production of a sulfatase encoded by SEQ ID NO:8 and any polypeptides also expressed in the host cell system. The specification does not teach how to produce any polypeptides having unknown function or unknown structure."

In the interest of expediting prosecution, and without acquiescing to the Examiner's rejection, Applicants have amended claim 243 as discussed above, thereby obviating the 35 U.S.C 112, first paragraph, rejection. Applicants therefore respectfully request reconsideration and withdrawal of the foregoing 35 U.S.C. 112, first paragraph rejection over claims 254-255.

Claim Rejections Under 35 U.S.C. §112, Second Paragraph

Claims 243-249 and 254-255 were rejected under 35 U.S.C. 112, second paragraph, as being "indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention." Specifically, the Examiner asserts that the claims are "unclear because a complement of the nucleic acid sequence of SEQ ID NO:8 can not encode a polypeptide having sulfatase activity."

In the interest of expediting prosecution, and without acquiescing to the Examiner's rejection, Applicants have amended claim 243 to remove reference to the complement of the nucleic acid molecule of SEQ ID NO:8 encoding a polypeptide having sulfatase activity. The claim now reads: "...a nucleic acid molecule comprising a nucleotide sequence which is at least 91% identical to the nucleotide sequence of SEQ ID NO:8, wherein the nucleic acid molecule encodes a polypeptide with sulfatase activity, or a full complement thereof," thereby obviating the 35 U.S.C. 112, second paragraph, rejection. Applicants therefore respectfully request reconsideration and withdrawal of the foregoing 35 U.S.C. 112, second paragraph rejection over claims 243-249 and 254-255.

This paper is being filed timely as a request for a two-month extension of time was filed on February 20, 2004, a copy of which is enclosed herewith. No additional extensions of time are required. In the event any additional extensions of time are necessary, the undersigned hereby authorizes the requisite fees to be charged to Deposit Account No. 501668.

Entry of the remarks made herein is respectfully requested.

February 26, 2004

Respectfully submitted,

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